

**Meeting of the Central Valley Flood Protection Board  
August 15, 2008**

**Draft Staff Report  
DWR Floodway Protection Section**

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Item

Consider approval of Permit No. 18366 (Attachment A) to replace an equipment and storage building within the Butte Basin.

Applicant

Gene Clark

Location

The project is located in Afton at 751 County Road Y. (Butte Basin, Glenn County, see Attachment B).

Description

To replace an 80- by 80-foot equipment and storage building within the Butte Basin.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the August 15, 2008 Board meeting.
- RD 2106 has endorsed this application.

CEQA Findings:

Board staff has prepared the following CEQA findings:

The Central Valley Flood Protection Board is acting as the CEQA lead agency. The Board has determined that the project is exempt from CEQA under a Class 2 Categorical Exemption (CEQA Guidelines Section 15302) covering construction of replacement or reconstruction of existing structures and facilities where the new

structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

### Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

### Staff Recommendation

Staff recommends that the Board adopt the CEQA findings, approve the permit, and direct staff to file a Notice of Exemption with the State Clearinghouse.

### List of Attachments

- A. Permit
- B. Location photos

**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18366 BD**

**This Permit is issued to:**

Gene Clark  
7979 County Road 62  
Princeton, California 95970

To replace an 80- by 80-foot equipment and storage building within the Butte Basin. The project is located in Afton at 751 County Road Y (Section 9, T18N, R1W, MDB&M, Reclamation District 2106, Butte Basin, Glenn County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15

day's notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18366 BD**

**THIRTEEN:** The permittee acknowledges that the proposed structure is located within the Butte Basin floodway and may be subject to flooding.

**FOURTEEN:** This permit is not valid until the enclosed Agreement Establishing a Covenant Running with the Land has been signed, notarized, and returned to the Central Valley Flood Protection Board.

**FIFTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**SIXTEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the Central Valley Flood Protection Board and the State of California and/or any department(s) thereof from any liability or claim(s) of liability associated therewith.

**SEVENTEEN:** The Central Valley Flood Protection Board and the State of California and/or any departments thereof shall not be held liable for damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

**EIGHTEEN:** The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

**NINETEEN:** No construction work of any kind shall be done during the flood season from November 1st to April 15th without prior approval of the Central Valley Flood Protection Board.

TWENTY: Construction materials and/or equipment shall not be stored within the Butte Basin designated floodway during the flood season from November 1st to April 15th.

TWENTY-ONE: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain within the floodway during the flood season from November 1st to April 15th.

TWENTY-TWO: A temporary bench mark, set to a known datum, shall be placed at the project site during construction.

TWENTY-THREE: The finished floor elevation shall be at least 2 feet above the 1970 flood elevation of 77.3.0 feet, NGV Datum.

TWENTY-FOUR: All debris generated by this project shall be disposed of outside the Butte Basin designated floodway.

TWENTY-FIVE: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Central Valley Flood Protection Board, the State of California Department of Water Resources, or any other agency responsible for maintenance.

TWENTY-SIX: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

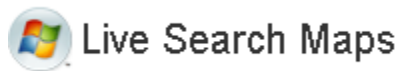
TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

TWENTY-EIGHT: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-NINE: If damage to the equipment and storage building exceeds 50 percent of its market value within a 10-year period, the dwelling cannot be rebuilt or replaced without approval of the Central Valley Flood Protection Board. If the equipment and storage building is not repaired or replaced, the remaining portion must be completely removed from the floodway prior to the next flood season.

THIRTY: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated XXXX XX, 2008, which is attached to this permit as Exhibit A and is incorporated by

reference.



 **751 County Road Y, Butte City, CA 95920-9417**

Permit No. 18302  
Gene Clark

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